Her Majesty's Inspectorate of Constabulary



Inspection of Avon and Somerset Constabulary Professional Standards

JANUARY 2006

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INSPECTION OF PROFESSIONAL STANDARDS 2005

A - INTRODUCTION AND METHODOLOGY

1. Introduction

'Professional standards' within the policing context has evolved significantly in recent years, following the HMIC thematic 'Police Integrity' (1999), the establishment of an ACPO Presidential Taskforce to tackle corruption and the introduction of the ACPO Professional Standards Committee. Since 2000, virtually every force in England and Wales has significantly expanded the activities of pre-existing Complaints and Discipline Departments to include an element addressing anti-corruption, including covert investigation. These larger units are generically known as Professional Standards Departments (PSDs).

The issue of complaints holds a unique importance for HMIC in that legislation¹ creates a responsibility on Her Majesty's Inspectors (HMIs) to 'keep themselves informed' as to the handling of complaints in forces. Traditionally this has involved inspection of individual forces on a rolling programme. The advent of HMIC's annual Baseline Assessment (from 2003/04), the establishment of the Independent Police Complaints Commission (IPCC) in 2004, and a series of public inquiries have changed the professional standards landscape significantly. In view of this, HMIC decided to carry out a simultaneous programme of inspection of professional standards in all 43 English and Welsh forces to provide a comprehensive picture of current performance and identify any issues of national importance.

2. Inspection scope

While this national programme of inspection of 'Professional Standards' has focused primarily on the operation of the PSDs, and their sub-sections, it has also examined issues of professional standards in the wider policing context, and therefore touched on other departments and areas of responsibility, for example Human Resources (HR). The core elements identified nationally for examination were:

Professional Standards Department

 The umbrella department within which all 'professional standards' activities are delivered, including the investigation of complaints and misconduct and proactive anti-corruption work.

Complaints and misconduct unit

 Responsible for reactive investigations into public complaints as well as internal conduct matters.

Proactive unit

 Responsible for the intelligence-led investigation of vulnerability to or allegations of corruption.

¹ Section 15(1) of the Police Reform Act 2002

Intelligence cell

- o Responsible for:
 - Overall intelligence management
 - Analysis
 - o Field Intelligence
 - o Financial Investigation
 - o Managing risks and grading threats

Handling of civil claims, security management and personnel vetting

Individuals or units responsible for identifying risks to the integrity of the police service manifested within civil actions, civil claims, employment tribunals, breaches of security and infiltration of the service by inappropriate personnel.

Handling 'Direction and Control' Complaints

- Processes for handling complaints relating to:
 - operational policing policies (where there is no issue of conduct)
 - organisational decisions
 - general policing standards in the force
 - operational management decisions (where there is no issue of conduct)

Impact of unsatisfactory performance and grievance

 Relevant personnel within HR and operational departments, to establish that processes exist to identify any conduct issues or organisational lessons.

NB: The above list is not exhaustive nor does every force have each of these units or responsibilities as separate functions. The inspection sought to examine as many of the identified activities as are relevant to each force.

3. Methodology

Since 2003/04, HMIC's core methodology for assessing force performance has been Baseline Assessment (BA), which consists of a self-assessment process supported by visits to forces for validation and quality assurance. BA assesses performance annually across 27² areas of policing via a framework of questions for each area. The mainstream BA process for 2004/05 was completed during spring 2005 and the results published in October 2005.

Professional Standards is one of the BA frameworks and would normally have been included in the mainstream BA activity. With the full programme of professional standards inspections scheduled for October and November 2005, however, the assessment of this framework was deferred to await their outcome.

The programme of inspections has been designed to:

- Provide a full inspection of professional standards in all England & Wales³ forces;
- Gather evidence for Baseline Assessment reports and grading of professional standards in all forces; and
- Identify key issues, trends and good practice that may have implications for professional standards on a national basis.

² Number of frameworks in the 2004/05 assessment

³ Also including British Transport Police and Ministry of Defence Police

The standard format for each inspection has included:

- The completion of self assessment questionnaires by all forces;
- Examination of documents;
- Visits to forces with group and individual interviews;
- · Consultation with key stakeholders; and
- Final reports with grade.

4. Baseline Assessment grading

HMIC applies a qualitative grading to the inspection of Professional Standards. These grades are:

- Excellent
- Good
- Fair
- Poor

In allocating individual force grades, HMIC assesses all the available evidence and identifies how well the force matches an agreed set of Specific Grading Criteria. To ensure fairness and transparency in the grading process, HMIC worked with key partners in the APA, IPCC, the Home Office and ACPO to develop and agree these Specific Grading Criteria for Professional Standards.

The criteria set out expectations for a "Good" force. Grades of Fair, Good and Excellent all represent acceptable performance levels but indicate the degree to which the force has met the grading criteria. An Excellent grade indicates 'benchmark' performance including significant implementation of good practice.

The full grading criteria are set out in HMIC's website at: www.inspectorates.homeoffice.gov.uk.

The key elements appear under four headings, namely:

- o **Intelligence** what a force knows about the health of professional standards
- Prevention how the force tries to improve and prevent the abuse of standards
- o **Enforcement** its effectiveness in dealing with emerging problems
- Capacity and Capability having the resources and skills to address reactive and proactive challenges (including timely and proportionate response to lapses in professional standards)

The remainder of this report is set out under these headings, for ease of reference to the evidence presented.

B – FORCE REPORT

1. Force Overview and Context

This is a large force, covering the former county of Avon and the county of Somerset, some 1,855 square miles with a population of about 1.5 million. Its work is made more complex by the contrasting policing environments, including the diverse communities with several areas of deprivation in Bristol, the largest conurbation in south-west England. The county of Somerset, on the other hand, presents the policing issues associated with a sparsely populated rural area containing many small and medium-sized market towns.

There are six basic command units (BCUs), the commanders having a high degree of delegated authority to deliver policing services that meet the needs of their very different communities. The BCUs are supported by several operational headquarters departments, including specialist operations, criminal investigation, communications, and criminal justice. Following considerable growth, making use of the Government's Crime Fighting Fund, police strength was 3398 at 31 March 2005. Police staff strength had risen to 2289, and there were 384 special constables and 107 police community support officers (PCSOs).

The command team comprises the Chief Constable (appointed in January 2005), the Deputy Chief Constable (DCC), a Director of Finance and Resources, a Director of Human Resources, and three Assistant Chief Constables (ACCs), an additional ACC having been appointed in spring. This has provided increased resilience in the top team, enabling it to be increasingly visible, more effective at driving change and better able to devote time to strategic development.

Professional Standards

ACC Rod Hansen holds portfolio responsibility for Professional Standards (PS). The Professional Standards Department (PSD) is headed by a Detective Superintendent, with a Detective Chief Inspector deputy who leads on anti-corruption and intelligence. The department consists of 24 staff, five of whom work in the proactive operations unit. There are three teams of complaints investigators, each comprising an inspector, a sergeant and a police staff investigator. A well-established Corporate Information Management Department includes related functions such as information security management, vetting and data protection.

GRADING: FAIR

2. Findings

Intelligence - what a force knows about the health of professional standards

Strengths

- A comprehensive strategic assessment of the vulnerability to corruption has been produced and circulated to NCIS, the ACPO counter corruption advisory group (ACCAG) and senior managers in the Force. Having identified the main threats, it sets out how they will be controlled. Implementation of the control strategy is driven effectively by a working group representing the key departments which oversees a detailed delivery plan.
- In 1999 the internal investigations unit (IIU) was one of the first to be established outside the Metropolitan Police Service. It has experienced detectives with a wide range of relevant skills and has developed effective procedures for gathering, analysing and actioning intelligence. In 2004/05 the number of intelligence reports increased significantly and 80 investigations were instigated.
- An important factor behind the increase in intelligence reports has been the
 marketing of the IIU, through inputs to training courses, the PSD intranet site, the
 departmental newsletter, *Right First Time*, poster campaigns, etc. This work has
 a clear objective to secure support for the unit by explaining positively how it
 can protect the organisation and its staff from threats to its integrity and security.
- Investigations led to many types of outcome, including formal misconduct proceedings, officers resigning, use of the service confidence procedure, intelligence being passed to other forces and several forms of management intervention, including action to improve policies and procedures. In many cases, staff under suspicion were exonerated.
- In accordance with national intelligence model (NIM) principles, a two-weekly TTCG is used to review intelligence priorities and ongoing proactive investigations, and action newly received intelligence.
- Several audit processes designed to identify potential threats are now well
 established, including audit of covert policing records and the use of specialist
 software to identify inappropriate use of internal e-mail (eg, racist language). It is
 planned to extend this type of work.

AFIs

The IIU currently has five detective posts, with analytical support provided by the
departmental corporate development officer, who has many other responsibilities.
At the time of inspection, capacity had been reduced by the secondment of the
detective inspector to other duties. Total resources available for intelligence
gathering are, however, enhanced by collaborative arrangements with other
forces and good links with other units such as vetting and information security.

Additional analytical and investigative resources can also be the subject of bids through force tasking and coordinating.

It is important that the capability and capacity of the IIU are sustained in the face
of pressure to increase resources for investigating public complaints. PSD is
being examined as part of the current review of headquarters departments.
Consideration should be given to the balance of resources in the IIU, with
particular emphasis on analytical capability and administrative/research support
for the detectives, who currently carry out some work that does not require
detective skills.

Recommendation 1

Her Majesty's Inspector of Constabulary recommends the staffing of the IIU should be reviewed to ensure that the overall skills profile best fits the unit's functions and objectives.

Although good progress has been made in generating intelligence reports, there
is currently no independent confidential reporting system. Consideration should
be given to an independent confidential reporting facility in order to maintain the
momentum.

Recommendation 2

Her Majesty's Inspector of Constabulary recommends that further consideration should be given to the introduction of a system to enable staff to report misconduct through an independent confidential facility.

• While NIM principles are applied to the work of the IIU, they are less explicit in the reactive investigation of public complaints. The strongest feature of the current system for making best use of resources is the monthly meetings at which the Head of Department reviews the work of each team, prioritises the work and agrees the scope of investigations. The six weekly departmental meetings do not routinely address resourcing and prioritising issues. A more explicit adoption of NIM principles in the department's management processes would help to ensure that the good practice evident in the Head of Department's monthly team meetings is sustained and developed.

Recommendation 3

Her Majesty's Inspector of Constabuary recommends that management processes in PSD should be reviewed to ensure that they drive all departmental activity in a way that is based on NIM principles, products and procedures.

• A significant increase in intelligence reports in the past year suggests a high level of confidence in reporting corrupt behaviour, either openly to PSD staff, through

line managers or anonymously. There is, however, reluctance in some quarters to raise matters such as bullying and homophobia and a lack of confidence in the grievance procedure for fear of victimisation. The Force acknowledges that the fairness at work policy and procedure should be amended and re-invigorated. This work has started and new ACPO guidance is eagerly awaited. The staff support groups have an important part to play in working with the diversity unit to improve existing policy and increase confidence in the procedures.

Prevention - how the force tries to improve and prevent the abuse of standards

Strengths

- The ACC provides an active lead on learning lessons from complaints and misconduct in order that policies and procedures can be improved and actions by staff that give rise to complaints can be reduced. One of the key elements is a complaints reduction strategy, kept up-to-date with the latest strategic assessment (but see the first AFI below). The strategy aims to reduce the sort of behaviour and organisational practices that give rise to complaints and includes an objective to make it easier for individuals to make their complaint by improving system accessibility.
- A feedback form has to be completed by investigators following all public complaint and misconduct investigations. Feedback is assessed and actioned appropriately, actions being reviewed as a standing agenda item at regular departmental meetings.
- Good use is made of a range of methods to learn lessons and improve, including:
 - a good quality newsletter 'Right First Time';
 - close links with the training department and a coordinated programme with clear objectives and training plans;
 - effective liaison with BCUs and departments by PSD investigators, each of whom has geographical liaison responsibilities;
 - quarterly information packs for each BCU, with good quality analysis of data and commentary on trends and learning points. Information about specific staff and those attracting three or more complaints in a year is set out in a separate confidential report;
 - use of 'Gold Groups' to coordinate wide ranging corrective action following major incidents where the learning opportunities are complex; and
 - in urgent or important cases, advisory e-mails to the whole organisation from the ACC.
- A recent good example of preventative action involved the analyst identifying a
 pattern of complaints at a particular station. A problem profile identifying officers
 and types of activities was produced and an action plan agreed with the BCU
 commander. At the time of inspection the plan was still being closely monitored.
- A corporate information management department (CIMD) brings together all
 aspects of information management, including vetting, information security, data
 protection, freedom of information, disclosure and compliance audit. It is well
 resourced with experienced, skilled, and qualified staff. The CIMD structure and
 processes have been the model for the sort of arrangements all forces have to

introduce in 2006 under the management of police information (MOPI) code of practice.

Good links have been established between CIMD and PSD enabling information
to be shared regularly and the use of CIMD resources to assist with audit and
investigations. Security incidents are documented, investigated and fed into the
organisational learning process. Understanding throughout the organisation of
the importance of security management has been promoted through inputs into
training courses, the CIMD intranet site and through a network of BCU and
departmental local information managers.

AFIs

More formal arrangements should be made to ensure that use is made of all
possible sources of organisational learning. At present the departmental learning
strategy does not place sufficient emphasis on learning lessons from direction
and control complaints, civil actions, grievances and locally resolved complaints.
At the time of the inspection a system to obtain feedback from supervisors
following successful or unsuccessful attempts at local resolution was just being
introduced.

Recommendation 4

Her Majesty's Inspector of Constabulary recommends that more formal arrangements should be made to ensure that learning opportunities are identified from all possible sources.

- The approach to organisational learning would benefit from more clearly defined arrangements for monitoring and evaluation. These arrangements should be proportionate to the scope and importance of each learning activity. In addition to the quantitative assessment of subsequent complaints trends, use could be made of internal force inspections to check whether BCUs and departments are taking appropriate action in response to issues highlighted by PSD.
- At the time of the baseline assessment in May 2005 the drugs testing policy was out for consultation. During this inspection it was undergoing alterations to accommodate national policy. It should be finalised and published without further delay.

Enforcement – the force's effectiveness in dealing with emerging problems

Strengths

- Since taking over the role of Head of PSD in May of this year, the Detective Superintendent has built on the existing force ethos of learning lessons from complaints and misconduct investigations and continually striving for improvement. He is committed to strategic change, has a very positive approach to the challenges currently faced and leads a highly motivated team of staff who welcome his supportive leadership style. He has been particularly successful in building effective working relationships both internally and externally.
- Within PSD a well established complaints investigation section makes good use
 of retired police officers in support and administrative roles. Investigative teams
 are aligned to BCUs enabling excellent communication with those under
 investigation and local management teams. An internal investigation unit (IIU)
 comprises highly skilled detective officers and is the best resourced in the region,
 enabling it to assist surrounding forces whose capacity for covert work is limited
 (see Intelligence for more detail).
- There is a strong emphasis on meeting customer needs, with clear plans to develop this approach as part of the Force Citizen Focus programme. Good practice includes:
 - investigation plans agreed with complainants and confirmed in writing;
 - emphasis on the quality of letters to complainants following research into best practice in other forces;
 - close links with community groups who are involved in policy development, resolving some complaints and staff training; and
 - meetings between the ACC and Police Authority representatives and complainants in some difficult or sensitive cases.
- Accessibility to the complaints system has been enhanced by the facility for
 making a complaint via the internet. A well-designed reporting form on the web
 site is being used by an increasing proportion of complainants. A leaflet with
 details of community organisations willing to advise those who wish to make a
 complaint has been distributed widely. HMIC regards this as good practice.
- Progress has been made towards creating a more positive attitude amongst staff
 towards complaints and misconduct investigations (but see AFIs below).
 Improved trust and confidence owes much to the efforts made to involve staff
 associations and other internal representative groups in policy formulation and
 greater openness when discussing the conduct of investigations. Recently
 established meetings between the head of PSD and support associations are
 helping improve diversity management within professional standards.
- Prior to April 2004 misconduct matters involving police staff were dealt with by an
 individual working in HR department. Following the change to regulations that
 brought police staff within the formal complaints procedure, this individual moved
 across to PSD. He brought with him a wealth of experience on handling
 misconduct matters and tribunals. Initially he dealt only with complaints against
 police staff but is now involved in investigating police complaints and misconduct,
 and civil claims. This has helped PSD to manage effectively the tensions and

constraints arising from the different discipline procedures for police staff and police officers. HMIC regards this approach as good practice.

- Good professional working relationships have been established with the IPCC and the Police Authority. The IPCC is grateful to the Force for the assistance given in training IPCC staff. Police Authority oversight is much more thorough following establishment of a professional standards sub-committee in 2004.
- A questionnaire for staff who have been the subjects of investigations has
 recently been taken into use. Many staff have completed the forms and most
 have regarded their treatment by investigators as professional and respectful.
 Good use is already being made of the small number of critical comments and
 suggestions for change.
- Good arrangements to promote consistency of sanctions include:
 - a matrix giving guidance to managers on sanctions for the inappropriate disclosure of information, one of the main risks identified in the strategic assessment:
 - an ACC holding the professional standards portfolio and acting as the decision maker, making all decisions around suspension, which he uses sparingly:
 - all tribunals being chaired by the DCC; and
 - effective training for members of misconduct tribunals.

AFIs

- Comparative data suggests the workload per investigator within PSD is greater
 than in the MSF group and neighbouring forces. Whilst this might be viewed as
 cost effective, investigation times are comparatively high and have increased in
 the past six months. In April 2005 the average time for completed investigations
 was 109 days; it had increased to 151 days by September. Although most other
 aspects of customer service are good, delay has adverse effects on
 complainants, officers complained against and PSD staff themselves.
- Efforts are being made to reduce investigation times. Following a significant increase in workload, a growth bid has been made for an extra investigation team (see section below on Capacity and Capability) and action is being taken to increase the use of local resolution. There is scope, however, for making better use of current resources by improving processes and working smarter. Risk management is needed, with every complaint being subject to more thorough early assessment to limit the scope of investigation to lines of enquiry that are proportionate and necessary. Some progress has been made on administrative matters such as greater use of handwritten statements and summaries of taped interviews, and replacement of a lengthy final letter by a short letter enclosing the investigating officer's report.
- But there is scope for being more radical. Some forces facing similar challenges have begun to use early assessment and the concept of proportionality to expedite investigations to final outcomes such as a 'written warning' when that is the most severe sanction likely if the complaint is fully substantiated. This approach does of course require the agreement of all parties. Clear guidance

should be provided to investigators who have traditionally prided themselves on very thorough investigations.

Recommendation 5

Her Majesty's Inspector of Constabulary recommends that an action plan should be developed to reduce average investigation times, with milestones and targets. It should include resourcing and explore, in conjunction with the IPCC, the potential for streamlining appropriate investigations following risk assessment.

• The proportion of complaints locally resolved, 34% in 2004/05, is comparatively low. An inspector has been seconded into PSD to increase the use of this approach, to reduce the time taken, and to improve skills, awareness and confidence amongst BCU inspectors. This initiative, while welcome, should be seen as a temporary measure, to be continued only until truly local resolution by BCU supervisors is consistently effective. Consideration could be given to identifying local personnel with good customer care/conflict resolution skills to champion local resolution on BCUs.

Recommendation 6

Her Majesty's Inspector of Constabulary recommends that the action plan to increase the use and timeliness of local resolution should be sustained, with appropriate milestones and targets, the ultimate aim being to increase the proportion of such cases resolved by BCU supervisors.

- Following the introduction of the IPCC in April 2004, the number of appeals and the proportion upheld against non-recording, the local resolution process, or the investigation was higher than in many other forces (although a very small proportion of the total complaints dealt with). By the time of this inspection the appeal rate had begun to fall, probably due in part to better contact with complainants.
- To assist monitoring of timeliness there needs to be more consistent early notification from BCUs to PSD when complaints are received, with complaint forms being promptly forwarded to headquarters even where local resolution is being considered.
- The investigation of direction and control complaints (organisational matters
 where the conduct of a member of staff is not at issue) is currently coordinated by
 the corporate development department where complaints received at
 headquarters are recorded and forwarded to the appropriate BCU or department
 for action. Between January and September 2005, 174 matters of this type were
 recorded, far fewer than in forces of similar size with more sophisticated systems.

- At the time of inspection a draft policy, meeting the requirements of national guidance, was awaiting ratification by the Police Authority. Introduction of a new system is a priority for the ACC and two posts to run it, working closely with the new Force Service Centre, are part of the current bid for additional resources. It is important that implementation of the new policy is monitored thoroughly to ensure that:
 - all direction and control complaints are recorded;
 - they are resolved with minimal delay, keeping complainants informed;
 - all learning opportunities are fed into the organisational learning system; and
 - direction and control cases are audited to identify possible complaints against the conduct of staff.

Recommendation 7

Her Majesty's Inspector of Constabulary recommends that a new system for recording, collating, analysing and learning from direction and control complaints should be set up by April 2006.

- The newly created diversity unit is working with PSD to improve diversity monitoring so that any disproportionality is identified and addressed. Currently, of all the complaints received more than half do not indicate the ethnicity of the complainant. Internally, whilst details are maintained of BME staff subject to formal disciplinary hearings, the number of complaints made against them is not routinely monitored, nor the percentage subject to the capability or local discipline procedures. As with most forces further progress is needed to ensure that the data are collected, analysed and, where there is disproportionality, the reasons sought and remedial action taken.
- For some time a questionnaire has been sent to complainants after completion of
 investigations. The response rate has been low, however, and it is accepted by
 the department that the questionnaire should be redesigned to encourage more
 responses. The information generated could then be analysed to help enhance
 the investigation process and identify ways of improving relationships with
 complainants.
- Providing a copy of the investigator's final report has been successfully trialled on one BCU. Traditionally complainants have received a letter which distils the key findings. This new approach will make it increasingly important that reports are well presented, leading logically from findings to conclusions/ recommendations and that they are written in easy to understand language.

Capacity and Capability – (Having the resources and skills available to address the reactive and proactive challenge and providing a timely and proportionate response to lapses in professional standards)

Strengths

- A sophisticated planning system means that there are detailed business plans and associated delivery plans, for both the PSD and, separately, for the IIU. The main benefit of this approach is that staff are fully involved in business planning. There is scope, however, for streamlining the process (there are 45 actions in the current PSD delivery plan) and distinguishing between key change objectives and routine departmental activity.
- A range of performance management information is produced on which users have commented favourably. A corporate development officer within the department has developed networks and processes which help benchmark performance against similar and neighbouring forces. Other products include a BCU liaison pack providing comprehensive data to BCU commanders to assist local complaint reduction strategies, an internal document to assist the ACC and Head of PSD in case management and a balanced business scorecard to monitor progress against key performance targets. A new data pack is being developed to enable the Police Authority to be better equipped for its governance role.
- Training and development is a high priority and the department has recently undertaken IIP assessment. The external assessor has recommended the unit for accreditation. All staff have PDRs with objectives linked to delivery plans, new staff have mentors and there are training sessions involving community representatives. The induction process for new staff was witnessed at first hand during the on-site visit, a new member of staff sitting in on two of the key inspection interviews. Broader forcewide initiatives such as improving letter writing as part of the citizen focus project are also helping staff develop their skills.
- Efficiency savings within the department have enabled two temporary staff with good investigative experience to be employed as an interim measure pending growth bids to increase capacity (see below).

AFIs

• As outlined in the section above on Enforcement, workloads for investigators are comparatively high. This has been accompanied by abstractions of senior staff, including the Deputy Head of PSD, who has been leading a murder enquiry. There has been assistance from staff in the IIU to complete some more serious investigations but the need for additional, flexible resources and some change to the skills base has been recognised. A growth bid has been submitted for six posts to provide an additional investigation team, management of the new direction and control complaints system, and a local resolution officer. There is no guarantee, however, in the light of severe budgetary constraints, that the bids will succeed. The ACC has indicated that, if necessary, resources will be realigned to support the direction and control complaints system.

A strong line is being taken on vetting with systems for new recruits and priority
posts well established and timely. Those promoted or transferred are also vetted
but there is acknowledgement that more comprehensive management vetting
needs to be introduced, a significant resource commitment, the requirement for
which is currently being scoped.

Glossary

ACC assistant chief constable

ACCAG ACPO Counter-Corruption Advisory Group

ACPO Association of Chief Police Officers

ACPO PSC ACPO Professional Standards Committee

AFI Area for improvement

BA baseline assessment

BCU basic command unit

BME black and minority ethnic

CHIS covert human intelligence source

CID criminal investigation department

CIMD Corporate information management department

CPS Crown Prosecution Service

DCC deputy chief constable

DSU dedicated source unit

ESU ethical standards unit

FTE full-time equivalent

HMI Her Majesty's Inspector

HMIC Her Majesty's Inspectorate of Constabulary

HoD head of department

HQ Headquarters

HR human resources